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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,231	07/24/2001	Jack Regula	136.1005.01	4335

22883 7590 02/04/2005
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EXAMINER

KNOLL, CLIFFORD H

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/912,231	Applicant(s) REGULA ET AL.	
	Examiner Clifford H Knoll	Art Unit 2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

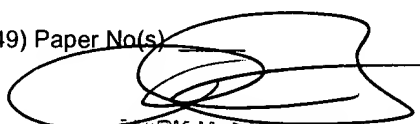
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-42.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached Response to Arguments.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____
 13. ☐ Other: _____


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Continuation of 3. NOTE: "a group consisting of a peripheral interconnect (PCI) bridge...." introduces new issues.

Response to Arguments

Regarding claims 1, 19, and 38, Applicant notes that if Carey “does not expressly or inherently disclose all of the limitations in a claim, the claim is not anticipated by the reference, regardless of what is well-known in the art” (p. 11); however, as determined by the Examiner, the features disclosed in Carey are sufficient to anticipate the invention as it is claimed; in particular Carey’s disclosure of “dedicated connections” adequately anticipates the Applicant’s “dedicated track”. No further details are necessary to anticipate this feature as it is claimed in the instant invention.

Applicant argues that Carey “does not teach that each station (of some plurality of stations) has a dedicated track”, nor that the track “is used to send information from the particular station”, nor that the track “connects the particular station to other stations” (p. 12); however, as Carey states: “The distributed routing network 4 can be a series of dedicated connections, one or more shared connections or a mixture of dedicated and shared connections”. The “series of dedicated connections” taught by Carey is considered to anticipate the instant invention comprising “each station has a dedicated track”. The instant invention fails to recite any limitation that distinguishes over Carey.

Regarding claims 4 and 40, Applicant argues that Carey fails to disclose “an arbiter that evaluates requests... and selects a track” (p. 13); however this has already been treated in the previous Office Action (p. 8) which clearly notes the arbiter as it is taught by Carey.

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Applicant further argues that Carey "does not anticipate claim 4 because it discloses a single, central arbiter, instead of an arbiter at each of a plurality of stations" (p. 13); however, as stated in the previous Office Action, the arbitration taught by Carey performs the claimed arbitration at each of a plurality of stations (p. 8, lines 13-21).

Regarding claims 15 and 34, Applicant argues that the term "component" should be given the particular definition used in the specification, limiting its intended meaning, for example, to "a PCI bridge", "a USB interface" among further examples (p. 14); however, it is incumbent upon the Examiner to interpret the recitation as broadly as is reasonable. The examples given in the specification are, as admitted by the Applicant, not intended to limit the use of the term component. Examiner, as stated previously, finds an addressable location to be indicative of a component, which, being addressed, necessarily has an identifiable function.

Applicant further argues that Carey must show the "identical invention" and not merely an "equivalent" of the limitation; however, insofar as the invention has been claimed, Carey is determined to be anticipatory. Carey's disclosure may perhaps not be identical the Applicant's disclosure, but anticipates every feature identically as it is recited.

Thus the rejection is maintained.



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